

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARY P. WOOD,

Plaintiff,

v.

MERRILL LYNCH, PIERCE,
FENNER & SMITH INC., et al.,

Defendants.

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) Civil Action No. 11-11765-NMG
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REPORT AND RECOMMENDATION ON
DEFENDANT'S MOTION TO DISMISS

November 30, 2011

SOROKIN, M.J.

Pending is the Motion to Dismiss of the Defendants. Docket # 5. I RECOMMEND that the Motion be ALLOWED IN PART AND DENIED IN PART, for the following reasons.

I. FACTUAL AND PROCEDURAL BACKGROUND

The following factual allegations are drawn from the Complaint. Docket # 1-1.

On June 1, 2005, Wood was contacted by a recruiter from Merrill Lynch, Pierce, Fenner & Smith Inc. ("Merrill Lynch") in New York and was offered employment with Merrill Lynch at a yearly compensation of \$40,000.¹ Complaint at ¶ 7. Wood was initially employed by Merrill Lynch as a licensed sales assistant working under the direct supervision of Defendants Curtis and Palmer.

¹ In the Complaint, Wood incorrectly identifies Merrill Lynch as Banc of America Investment Services, Inc.

*Report and Recommendation accepted and
adopted. SPM/Gorton, USDS 12/21/11*